

**CITY OF MIDLAND, TEXAS
BRIEFING SESSION AGENDA
Tuesday, February 27, 2007 9:00 a.m.
City Hall Conference Room
300 North Loraine
Midland, Texas**

These items, as well as any other items on the regular posted agenda for the City Council Meeting on this date, may be discussed:

- ❖1. Discuss Preliminary Review of the City's Competitive Compensation Committee Results on the Cities to be compared to.
- ❖2. Discuss FY2006 Year end Financial results, FY 2007-08 Budget Parameters and discuss WOW Projects.

AGENDA FOR CITY COUNCIL MEETING
Tuesday, February 27, 2007 – 10:00 a.m.
Council Chamber – City Hall

The Midland City Council agenda is posted for public notice at least 72 hours prior to the Tuesday meetings. All requests to be placed on the Council agenda by the public must be submitted to the City Manager, in writing, at least one week before the Council meetings. Such written requests must be in sufficient detail to identify the subject matter as well as the contact person who will represent the matter before the Council. The City Council reserves the right to not consider matters over which the City has no jurisdiction.

❖Item related to City Council goals

1. Invocation – Reverend Billy Raies, Christian Life Center
2. Pledge of Allegiance

MISCELLANEOUS

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
 - a. Presentation to the Midland City Council by Unequaled Productions, Inc.

CONSENT AGENDA

4. Consider a motion approving minutes of the February 13, 2007 City Council Meeting.
- ❖5. Consider a resolution authorizing the execution of a contract with Turf Specialties, Incorporated for Phase II of the Midland International Airport Landscape Project; and appropriating funds therefor.
6. Consider a resolution appropriating funds to the Atmos GRIP/Show Cause Project (8790); and authorizing payment of expenses.

7. Consider a resolution of the City of Midland, Texas, opposing House Bill 651; supporting repeal of Gas Reliability Infrastructure Program (GRIP) statute; and joining cities for reasonable gas rates.
8. Consider a resolution authorizing the Tennis Center Committee to raise funds on behalf of the City of Midland for the proposed construction of a tennis center at Beal Park.
9. Consider a resolution authorizing the execution of a park use agreement with the Midland Hi-Sky R/C Club to administer programs, special events and services related to the operation of remote-controlled airplanes at Cole Park.
10. Consider a resolution accepting a \$2,000.00 civic contribution from Unequaled Productions, Incorporated, appropriating funds and establishing a project for equipment at the Martin Luther King Jr. Community Center.
11. Consider a resolution authorizing the purchase of one (1) pothole patcher from the Houston-Galveston Area Council.
12. Consider a resolution appropriating funds for the South Garfield Avenue Extension Project, Project Number 8593.
13. Consider a resolution approving an amendment to the Bylaws of Tax Increment Reinvestment Zone Number One in the City of Midland, Texas.
14. Consider a resolution accepting a grant award from the 2007 Assistance to Firefighters Grant Program; authorizing the execution of acceptance documents; depositing and appropriating grant funds; and allocating matching funds

15. Consider a resolution authorizing the execution of a discharge license agreement with Enertech Wireline Services, L.P.
- ❖16. Consider a resolution in support of an application submitted by CIS Palermo Homes, L.P., for HOME funds from the Texas Department of Housing and Community Affairs
17. Consider a resolution approving the acceptance of the highest bid to purchase Lot 3, Block 1, Trueland Addition, City and County of Midland, Texas.
18. Consider a motion adopting the proposed Convention Center Feasibility Study.

SECOND READINGS

19. Consider an ordinance on second reading amending Ordinance No. 8096 authorizing the issuance of "City of Midland, Texas, Waterworks and Sewer System Revenue Refunding Bonds, Series 2002."
20. Consider an ordinance on second reading making certain transfers in various funds of the 2005-2006 Fiscal Year Budget and making certain budget amendments.
21. Consider an ordinance on second reading on a request by Brighton Country Development, LLC for a zone change from LR-2, Local Retail District, to PD, Planned District for a Housing Development on a 5.72-acre tract of land out of Section 6, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the west side of Spence Drive, approximately 190 feet north of Briarwood Avenue.)
22. Consider an ordinance on second reading on a request by James Cauthen for a zone change from IP-1, Industrial Park District, to PD, Planned District for an Industrial District on Lot 31, Block 9, Fairgrounds Addition, City and County of

Midland, Texas. (Generally located on the west side of San Andres Drive approximately 200 feet south of Cuthbert Avenue.)

23. Consider an ordinance on second reading on a request by Larry Lee for an Amended Planned District Site Plan on Lot 2A, Block 2, Amaron Addition, Section 6, City and County of Midland, Texas. (Generally located near the southwest corner of the intersection of S. Rankin Hwy and Wolcott Avenue.)
24. Consider an ordinance on second reading vacating a 0.030-acre tract of Ohio Avenue and Garfield Street located in Sections 27 and 28, Block 39, T-1-S, T&P RR Co. Survey, Midland County, Texas. (Generally located at the intersection of Ohio Avenue and Garfield Street).
25. Consider an ordinance on second reading providing a maximum time limit of two hours for parking upon portions of "D" Street and Texas Avenue in Midland, Texas, described in Section One hereof during weekdays between the hours of 7:00 a.m. and 6:00 p.m.; authorizing and directing the Traffic Engineer to erect appropriate signs; declaring any vehicle in violation of the provisions of this ordinance a nuisance and providing for the removal of same; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of five hundred dollars (\$500.00); and ordering publication.

PUBLIC HEARINGS

26. At 11:00 a.m. hold a public hearing and consider an ordinance on a request by Bill and Kaye Musar for a zone change from PD, Planned District for a Housing Development to PD, Planned District for a Transition District on Lot 2A, Block 2, Crestgate Addition, Section 29, City and County of Midland, Texas. (Generally located on the northeast intersection of West Loop 250 North and Crestway Lane.)
27. At 11:03 a.m. hold a public hearing and consider an ordinance on a request by JMS Development Corporation for a zone change from FD, Future Development District, to TH, Townhouse District on a 20.79-acre tract of land out of Section 25, Block 40, T-1-S, T&P RR Company Survey, Midland County, Texas. (Generally located at the west end of Los Patios Drive and at the North end of Llano Court.)

28. At 11:06 a.m. hold a public hearing and consider an ordinance on a request by Lamar Outdoor Advertising ON APPEAL for a Specific Use Permit with Term for a billboard, on Lot 4, Block 16, Haley Heights Addition, City and County of Midland, Texas. (Generally located on the northwest corner of the intersection of S. Rankin Hwy. and Griffin Avenue.)
29. At 11:09 a.m. hold a public hearing and consider an ordinance on a request by Royce and Mildred Howard ON APPEAL for a Special Exception to the Zoning Code concerning the front yard setback requirements for a covered parking structure on Lot 5, Block 32, Permian Estates, City and County of Midland, Texas. (Generally located on the south side of Tanner Drive, approximately 250 feet west of Godfrey Street.)
30. At 11:12 a.m. hold a public hearing and consider an ordinance on a request by Don Kimbrell for a zone change from IP-1, Industrial Park, to PD, Planned District for an Industrial District on Lots 15-22, Block 9, and Lots 7-9, Block 10, Fairgrounds Addition, City and County of Midland, Texas. (Generally located on both side of Wolfcamp Circle, approximately 760 feet north of Business 20.)
31. At 11:15 a.m. hold a public hearing and consider an ordinance on a request by Teen Flow Outreach for a zone change from LR-2, Local Retail District, to PD, Planned District for a Recreation Center, on Lots 13-22, Block 157, Southern Addition, City and County of Midland, Texas. (Generally located on the northeast corner of the intersection of S. Main Street and E. California Avenue.)

COMMUNITY SERVICES

32. Consider an ordinance amending Title IX, "Public Ways and Property", Chapter 5, "Parks and Playgrounds", Section 18, "Hours of Use of Public Parks", of the City Code of Midland, Texas, so as to modify the provisions concerning hours of use of public parks; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of five hundred dollars (\$500.00); and ordering publication.
33. Discuss the sports associations request to reserve more than one championship field at various City of Midland parks, including the following associations: Midland Junior Baseball Association, Midland Softball Association, Midland

Soccer Association, Greater Midland Football League, Midland United Girls Softball Association, Permian Basin United Soccer Association; and consider authorizing the City Manager to negotiate.

DEVELOPMENT SERVICES

34. Consider an ordinance authorizing the establishment of a pro-rata fee pursuant to Texas Local Government Code Section 395.081 for the development of Phase II of the Northwest Sewer Line improvement; establishing the Northwest Sewer Line Improvement Phase II service area to be a 1,700.79-acre portion of Sections 8 and 9, Block 39, T-1-S, T&P RR Co. Survey, and Sections 8 and 9, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas, and more specifically described in Section Two hereof; authorizing the City Manager to collect said fee during the platting process; containing a severability clause; containing a cumulative clause; ordering publication; and ordering recordation.
35. Present and discuss the 2006 Transportation Division's Traffic Accident Report.
36. Consider a city-initiated ordinance vacating a 20-foot by 208-foot portion of the Oriole Drive right-of-way adjacent to Lots 2 & 3, Block 6, Greenhill Terrace, City and County of Midland, Texas. (Generally located near the southwest corner of Tanforan Avenue and Oriole Drive.)
37. Consider a motion to defer water, sewer and paving improvements and waive the associated public improvement guarantee on a 12 acre tract located NW/4 of Section 41, Block 38, T-1-S, T&P RR Co. Survey, Midland County, Texas.

MISCELLANEOUS

38. Consider a motion making appointments to various Boards and Commissions.
39. Recess to the conference room for lunch.

40. Pursuant to Texas Government Code §551.101, the Council will hold an Executive Session which is closed to the public to discuss the following matters as permitted under the following Texas Government Code Sections:

Deliberation Regarding Economic Development Negotiations, Section 551.087

Discuss business prospects that the City seeks to have locate, stay, or expand in or near the City of Midland, Texas, and discuss possible incentives.

Deliberation Regarding Real Property, Section 551.072

Discuss the acquisition, lease, and value of water and real property described as Leagues 322-325, La Salle County School Land; 1727 acres out of League 247, Hartley County School Land; 303 acres out of League 246, Wheeler County School Land; League 321, Garza County School Land; League 321 Wheeler County School Land; 1829 acres out of League 321, Rusk County School Land; Sections 133 and 134, Block A, Simpson & Holloway Survey; Sections 131 and 132, Block A, R.E. Montgomery Survey; Leagues 319 and 320, Garza County School Land; Sections 1 – 7, 10 – 12, and 21 – 23, Block 39, T-2-N, GMMBA Survey; Sections 1 – 6, Block 39, T-1-N, GMMBA Survey; Sections 1 – 4 and 6 – 9, Block 38, T-1-N, GMMBA Survey; Section 4, Block HA, H.A. Moore Survey; Sections 1 – 6 Block OH, O.H. Bennett Survey; Section 2, Block I-H Reed, C.E. Shumake Survey; Sections 138 and 139, Block A, M. Curtis Survey; and Sections 2 – 4, Block 38, T-2-N, T&P Ry. Co. Survey; Martin County, Texas.

Discuss the acquisition, lease, and value of water and real property described as University Lands, Andrews County Texas, Sections 3,4, N/2 of 5, 6, N/2 of 7, 9, W/2 of 10, W/2 & W/2 of E/2 of 15, 16, 21, W/2 & W/2 of E/2 of 22, W/2 of 27, 28, E/2 of 29, E/2 of 32, 33, W/2 of 34, S/2 of 36, 37, 38, 29, 40, Block 5; and E/2 of W/2 & W/2 of E/2 of 22, S/2 & NW/4 of 34, E/2 & E/2 of W/2 of 35, 36, 37, 38, 39, 40 Andrews County; 42, 43, S/2 & NW/4 of 44, Martin County; 45, Andrews & Martin Counties; 46, 47, E/2 & NW/4 of 48, N/2 of 49, Andrews County, Block 6; and Sections 1, 2, Martin County, N/2 & SE/4 of 3, Andrews & Martin Counties, N/2 of 4, Andrews County, N/2 of 13, N/2 of SE/4 of 14, E/2 of 15, S/2 of 26, S/2 of 27, E/2 & SW/4 of 28, 29, N/2 of 30, N/2 of 31, Martin County, Block 7; and Sections 2, 3, N/2 of 4, Andrews County, Block 8.

Consultation with the City Attorney, Section 551.071

Discuss potential litigation involving the drilling of oil and gas wells in the city limits.

Respectfully submitted,

Rick Menchaca
City Manager